IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1821 OF 2004

Vijaysinh M.Bhatia ..Petitioner

Vs.

State of Maharashtra & Anr. ...Respondents

...

Ms.Kokila Kalra i/b Mrs.Manjula Rao Advocate for Petitioner
Mr.A.J.Suryawanshi i/b R.R.Dhuru for Respondent No.2
Mr.B.H.Mehta, A.P.P. for the State

...

CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : AUGUST 29,2005

P.C.

1. Heard the learned advocate for the petitioner, learned advocate for the respondent no.2-original complainant and the learned A.P.P. for the State.

2. The petitioner is seeking quashing of process issued by the learned Addl. Chief Metropolitan Magistrate, 40th Court, Girgaum, Mumbai in C.C.No.1300/S/1999. In the said case process was issued against the applicant under Section 138 r.w.

141 of Negotiable Instruments Act.

3. For the reasons recorded in my order dated 13th June, 2005 in W.P.No. 213 of 2005 and dated 21st June, 2005 in Cri.Application No.550 of 2005, I am of the opinion that the petitioner has an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the petitioner prefers a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioner to prefer the necessary revision before the concerned Sessions Court. The learned advocate for the petitioner makes a statement that the necessary revision will be preferred within five weeks from today. In view of this statement, ad-interim relief granted earlier, shall stand extended for a period of five weeks.

. The learned advocate for the respondent no.2-complainant fairly states that no objection

will be raised in respect of delay in filing the revision.

5. On the necessary revision being preferred by the petitioner before the concerned Sessions Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Writ Petition is disposed of.

[V.K.TAHILRAMANI,J.]